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7 ATTORNEYS FOR DEFENDANT RITZ TRANSPORTATION, INC.,
AWG AMBASSADOR, LLC, ALAN WAXLER
8 AND RAYMOND CHENOWETH

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 FRANK COHN, Individually and on behalf of a **CASE NO. 2:11-CV-01832-JCM-RJJ**
class of all similarly situated persons.

12 Plaintiffs,

13 v.

14 RITZ TRANSPORTATION, INC., AWG
15 AMBASSADOR, LLC., ALAN WAXLER, and
RAYMOND CHENOWETH,

16 Defendants.
17
18

19 **STATUS REPORT**

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21 Defendants Ritz Transportation, Inc., AWG Ambassador, LLC, Alan Waxler and
22 Raymond Chenoweth (hereinafter referred to as "Defendants") hereby submit their status report
23 as follows:

24 Class Notice List Over-Inclusive

25
26 As discussed during the status conference on December 10, 2012, it has been determined
27 that the Class Notice list provided by former defense counsel was over-inclusive. Per the
28

1 Complaint, the proposed class in this case consists of “a putative class of shuttle bus drivers
2 employed by the defendant solely in the State of Nevada within three (3) years of the filing of
3 this Complaint until entry of judgment after trial.” See Complaint at ¶6. In fact, the list provided
4 individuals that were not shuttle drivers, as well as individuals that were not employed by any of
5 the defendants. As a result, it appears that there were 108 shuttle drivers for Ritz Transportation
6 and 56 shuttle drivers for AWG Ambassador. The remaining drivers on the Notice List should
7 not have been noticed as they were not shuttle drivers or were not employed by Ritz
8 Transportation or AWG Ambassador. Therefore, Notice should have only gone out to 164
9 drivers.
10

11 Payroll Data

12 The proposed class period for discovery purposes has been from October 26, 2009
13 through present. Ritz Transportation was merged into AWG Ambassador effective June 2011.
14 This merger created multiple different types of payroll data.
15

16 From October 26, 2009 through June 2010, Ritz Transportation employees were paid via
17 commission. This data has been provided to Plaintiffs and shows the hours worked and the
18 amount paid. The “Regular Rate” of pay will need to be manually calculated to determine what
19 amount of potential exposure exists for this timeframe.
20

21 From June 2010 through June 2011, Ritz Transportation was paid by the hour and
22 managed by the AWG entity. Similarly, June 2011 to present, the drivers (now all working for
23 the merged entity AWG Ambassador) were paid by the hour. Payroll data has been disclosed as
24 follows:

- 25 1. Timeclock reports showing hours worked per day by driver.
- 26 2. ADP reports that show hours worked for a two-week payroll period and gross wages
27 and deductions.
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1 This information will need to be manually calculated to determine potential exposure for
2 this timeframe. This is the process currently occurring.

3 In addition, the data must be updated for current shuttle drivers.

4
5 Respectfully Submitted,

6
7 DATED this 18th day of December, 2012.

8 GORDON SILVER

9
10 By: /s/ Molly Rezac
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21 *Attorneys for Defendant Ritz Transportation,*
22 *Inc.,*
23 *AWG Ambassador, LLC, Alan Waxler*
24 *And Raymond Chenoweth*
25
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27
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CERTIFICATE OF SERVICE

I certify that I am an employee of GORDON SILVER, and that on this date, pursuant to FRCP 5(b), I am serving the attached copy of a **STATUS REPORT** on the party set forth below by:

- X Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail at Reno, Nevada, postage prepaid, following ordinary business practices
- Certified Mail, Return Receipt Requested
- Via Facsimile (Fax)
- Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand-Delivered
- Federal Express (or other overnight delivery)
- E-service effected by CM/ECF

addressed as follows:

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Attorney for Plaintiff

DATED this 18 day of December, 2012.

 /s/ Michelle Walsh
An employee of GORDON SILVER